

## **FLINTSHIRE COUNTY COUNCIL**

**19 JUNE 2012**

Minutes of the meeting of the Flintshire County Council of Flintshire County Council held at Council Chamber, County Hall, Mold CH7 6NA on Tuesday, 19 June 2012

### **PRESENT: Councillor Ann Minshull (Chair)**

Councillors Alex Aldridge, Bernie Attridge, Glyn Banks, Haydn Bateman, Marion Bateman, Chris Bithell, Helen Brown, Clive Carver, David Cox, Peter Curtis, Ron Davies, Adele Davies-Cooke, Chris Dolphin, Rosetta Dolphin, Ian Dunbar, Brian Dunn, Carol Ellis, David Evans, Jim Falshaw, Veronica Gay, Robin Guest, Alison Halford, Ron Hampson, George Hardcastle, Patrick Heesom, Cindy Hinds, Trefor Howorth, Ray Hughes, Hilary Isherwood, Joe Johnson, Rita Johnson, Christine Jones, Kevin Jones, Richard Jones, Phil Lightfoot, Brian Lloyd, Richard Lloyd, Mike Lowe, Peter Macfarlane, Dave Mackie, Nancy Matthews, Hilary McGuill, Billy Mullin, Tim Newhouse, Neville Phillips, Mike Reece, Gareth Roberts, Ian Roberts, Tony Sharps, Aaron Shotton, Paul Shotton, Carolyn Thomas, Owen Thomas, Sharon Williams, David Wisinger, Arnold Woolley and Matt Wright

**APOLOGIES:** Councillors Amanda Bragg, Derek Butler, Alan Diskin, Glenys Diskin, Ted Evans, Dennis Hutchinson, Stella Jones, Colin Legg, Mike Peers, Ian Smith, Nigel Steele-Mortimer and David Williams.

**IN ATTENDANCE:** Chief Executive, Director of Lifelong Learning, Director of Environment, Director of Community Services, Head of Legal and Democratic Services, Head of Finance, Member Engagement Manager and Committee Officers

## **14. PRESENTATION**

The Chief Executive welcomed Mr. Wynne, Mr. Davies, Emily Hughes, Keeley Hughson, Louise Goldsmith, Amy Williams and Sasha Ellis to the meeting. The pupils were a group of young Flint High School engineers 'The Golden Fleeces' who had been awarded the prestigious national Toyota Technology Challenge award out of 11,000 students who took part. The challenge involved designing a vehicle and answering a series of questions as part of the assessment stage. Flint High School had also won the award in 2011.

Mr. Wynne thanked the Council for inviting the pupils to the meeting and said that it had been a team effort and a huge achievement.

Councillor R.C. Bithell, Cabinet Member for Education congratulated the pupils for winning such a high profile award. He said that this had been an outstanding achievement and a great tribute to Flint High School. His comments were echoed by a number of Members with Councillor I.B. Roberts paying tribute to Mr. Wynne and Mr. Davies and all the dedicated teachers at Flint High School.

## **15. PUBLIC QUESTION TIME**

The Head of Legal and Democratic Services confirmed that no questions had been received.

## **16. DECLARATIONS OF INTEREST**

The following Members declared a personal interest for Agenda item number 14 – Secondary School – Area Reviews:-

Councillors: L.A. Aldridge, J.B. Attridge, G. Banks, G.H. Bateman, M. Bateman, H. Brown, D.L. Cox, P.J. Curtis, R. Davies, A. Davies-Cooke, C.J. Dolphin, R. Dolphin, I. Dunbar, B. Dunn, C.A. Ellis, J.E. Falshaw, V. Gay, R.J.T. Guest, A.M. Halford, R.G. Hampson, G. Hardcastle, P.G. Heesom, C. Hinds, H.T. Howorth, R. Hughes, H.T. Isherwood, J. Johnson, R. Johnson, C.M. Jones, R.K. Jones, R.B. Jones, B. Lloyd, R. Lloyd, M. Lowe, R.P. Macfarlane, D.I. Mackie, N.M. Matthews, H.J. McGuill, W. Mullin, N. Phillips, M.A. Reece, H.G. Roberts, I.B. Roberts, A.P. Shotton, C.A. Thomas, W.O. Thomas, S. Williams, D.E. Wisinger, A. Woolley and M.G. Wright

## **17. COUNCIL MINUTES**

The minutes of the meetings of Flintshire County Council held on 1 and 27 March and 15 May, 2012 had been circulated with the agenda.

1 March, 2012

### **RESOLVED:**

That the minutes be approved as a correct record and signed by the Chair.

27 March, 2012

### **RESOLVED:**

That the minutes be approved as a correct record and signed by the Chair.

15 May, 2012

The Head of Legal and Democratic Services reported that during the Annual Council meeting the Council had resolved that the position of Chair of the Licensing Committee not be given to the largest opposition group. This had not been reflected in the resolution on page 35 of the minutes and needed to be amended accordingly.

When put to the vote, Councillor P.G. Heesom voted against the amendment.

### **RESOLVED:**

That subject to the amendment listed above, the minutes be approved as a correct record and signed by the Chair.

**18. CHAIR'S COMMUNICATIONS**

The Chair explained that details of her communications would be made available in the Members room. She thanked Members who had attended her Civic Service and the Vice-Chair who had attended many functions on her behalf during her holiday.

The Chair also reported that the Planning Committee meeting scheduled for 20 June, 2012 would be held in the Council Chamber as the audio visual equipment in the Alyn and Deeside Room was not in working order.

**19. PETITIONS**

Councillor C.A. Ellis submitted a petition on behalf of Councillor H.D. Hutchinson to make safe the surface of the roads at Park Walk and Tram Road, Buckley.

Councillor M. Reece submitted a petition to remove the traffic calming humps at Sandy Lane, Ridgehill, Alwen Drive and Cadnant Drive, Bagillt.

**20. NOTICE OF MOTION**

The Head of Legal and Democratic Services confirmed that no Notices of Motion had been received.

**21. QUESTIONS**

The Head of Legal and Democratic Services confirmed that no questions had been received.

**22. QUESTIONS FROM MEMBERS ON COMMITTEE MINUTES**

The Head of Legal and Democratic Services confirmed that no questions had been received.

**23. CONSTITUTIONAL CHANGES FOLLOWING THE AGM**

The Head of Legal and Democratic Services introduced a report to propose amendments to the Constitution to reflect changes approved by Flintshire County Council at its annual general meeting on the 15 May, 2012.

With respect to the Audit Committee detailed provision had been made for the appointment of the lay members by suggesting their term of office to run from the first full Council meeting after the annual general meeting in the year of the County Council elections until the first County Council meeting after the annual general meeting following the next County Council elections. Also at the annual general meeting it had been decided that the Committees themselves should appoint their own Vice-Chairs. If the Council wanted that practice to continue then the Constitution would need to be amended accordingly.

Councillor A.P. Shotton, Leader of the Council proposed that the Council approve the recommendations as outlined within the report and also support the suggestions on the terms of office of the lay member of the Audit Committee and

that each Committee appoint one of its Members as Vice-Chair at the first meeting following the annual general meeting. The proposal was seconded by Councillor J.B. Attridge.

Councillor P.G. Heesom sought advice from the Head of Legal and Democratic Services on whether the Chair and Vice Chair of the Licensing Committee should be a Member of a Non-Executive Group as he believed that there had been a Welsh Government guideline limiting appointments.

The Head of Legal and Democratic Services advised that he was not aware of such a directive and reported that as the principle of Executive Groups had been created as part of the Local Government Measure 2011 ('the Measure'), such a restriction was unlikely to have been in force before that time.

Councillor R.B. Jones raised concerns on the terms of reference of the Audit Committee which duplicated the terms of reference of the Corporate Resources Overview and Scrutiny Committee. Councillor R.J.T. Guest also raised similar concerns stating that the duplicated terms of reference could cause confusion. He also said that the Leader of the Council had not provided a rationale on why the Chair of the Licensing Committee should not be given to the largest opposition group. He proposed an amendment that the Council not support the amendment to the Constitution with regard to the Chair of the Licensing Committee and also that the decision on the terms of reference for the Audit Committee be deferred until the necessary guidance on the Measure had been received from the Welsh Government (WG).

The Chief Executive explained that there needed to be a clear understanding of the roles of both the Audit Committee and Corporate Resources Overview and Scrutiny Committee and that it was feasible to hold complementary functions across the two Committees. He commended the Overview and Scrutiny Committee on its valuable role in the budget monitoring and observed that the Audit Committee, alone, would not have sufficient time to fulfil this role given its demanding terms of reference. The Head of Legal and Democratic Services explained that the amendments to the proposal were not valid as the decision on the Chair of the Licensing Committee had been a Council resolution within the last six months, and the Council could potentially be in breach of the legislation if they did not agree the terms of reference of the Audit Committee in line with the Measure.

Councillor P.G. Heesom raised concern that the political balance of Committee's was calculated across all Members of the Council even though Cabinet Members could not sit on any other Committee. He said he had previously raised this issue and sought clarification from the Monitoring Officer on this matter following the meeting.

Councillor L.A. Aldridge suggested that Mr. Frank Cuthbert be invited to provide all Members with additional information on the Measure to reduce the risk of misinterpretation.

The Chief Executive advised that further guidance was due to be published by the WG and proposed that in the interim the Council proceed with the recommendations, to be compliant with the Measure, and that the Chairs of

the Audit Committee and Corporate Resources Overview and Scrutiny Committee be advised on how to best manage their complementary roles to avoid duplication of effort.

**RESOLVED:**

- (a) That the proposed changes to the constitution as shown in Appendices A, B and C be approved;
- (b) That the Constitution Committee be given power to revoke bye-laws as well as to review, amend and create bye-laws;
- (c) That the term of office for the lay member on the Audit Committees be from the first County Council meeting following the annual general meeting after the County Council elections until the first County Council meeting after the annual general meeting following the next County Council elections; and
- (d) That each Committee appoint one of its Members as Vice-Chair at the first meeting following the annual general meeting.

**24. REVIEW OF POLITICAL BALANCE**

The Head of Legal and Democratic Services introduced a report to undertake a review of the allocation of seats to political groups as a result of a change in the membership of two groups.

Attached at Appendix 1 of the report was a table showing the political balance calculations. There has been no change to the places allocated to the Labour, Liberal Democrats, New Independents and Independent groups. A place on the Lifelong Learning Overview and Scrutiny Committee had been gained by the Conservative group at the expense of the non-aligned members. The Conservative group had gained an additional seat on both the Constitution and Democratic Services Committee at the expense of the Independent Alliance Group. A list of Committees that non-aligned Members wanted to sit on had been circulated to all Members before the start of the meeting.

Councillor A.P. Shotton, Leader of the Council proposed that the Council support the recommendations as outlined within the report, noting the preference of the Committee's the non-aligned Members wanted to sit on. This was seconded by Councillor J.B. Attridge.

**RESOLVED:**

- (a) That the Conservative Group gain a seat on the Lifelong Learning Overview and Scrutiny Committee at the expense of the non-aligned Members;
- (b) That the Conservative Group gain a seat on the Constitution and Democratic Services Committee at the expense of the Independent Alliance Group;

- (c) That Councillor Gareth Roberts be appointed to the Social and Health Overview and Scrutiny Committee, Planning Committee and Licensing Committee;
- (d) That Councillor Dennis Hutchinson be appointed to the Environment Overview and Scrutiny Committee and Community Profile and Partnerships Overview and Scrutiny Committee; and
- (e) That Councillor Tim Newhouse be appointed to the Constitution Committee and Democratic Services Committee.

## **25. APPOINTMENT OF LAY MEMBER TO THE AUDIT COMMITTEE**

The Head of Legal and Democratic Services introduced a report to inform the County Council of the process used to recruit a lay member to the Audit Committee and to recommend a candidate for appointment.

On 10 May, 2012 adverts for a lay member for the Audit Committee had been placed in the Chester Chronicle and Daily Post. In total 22 applications had been received and candidates had been short-listed by the Head of Finance and Head of Legal and Democratic Services using the criteria set out in paragraph 3.01 of the report. Given the sometimes sensitive nature of reports considered by the Audit Committee it had been essential that any lay person was able to exercise both discretion and diplomacy.

Councillor I.B. Roberts, as the previous Chair of the Audit Committee had Chaired the Panel appointing the lay members to the Audit Committee. He said that there had been a number of interesting candidates and spoke in support of the appointed candidate, Mr Paul Williams who he said would bring a wealth of experience on a number of areas, including risk management and fraud to the Audit Committee. He also said that Mr. Williams would bring additional experience of work within the private sector.

Councillor R.J.T. Guest raised concern that Members had not been given the name of the preferred candidate before the Council meeting. The Head of Legal and Democratic Services said that this information should have been provided to all Members before the Council meeting. He also said that Mr. Williams had attended the training for Audit Committee Members on 15 June, 2012 to give the Audit Committee Members the opportunity to gain an appreciation of his qualities.

### **RESOLVED:**

That Mr. Paul Williams be appointed the lay Member of the Audit Committee.

## **26. SECONDARY SCHOOL - AREA REVIEWS**

The Chief Executive introduced a report to provide the Council with an update on the consultation process for the Secondary School Area reviews.

In December, 2011 County Council approved renewed consultation on a range of options and the subsequent informal public consultation had been

undertaken during March and April, 2012. Attached at Appendix 1 was a copy of the media statement made by the Cabinet issued on 12 June, 2012 with the full support of officer together with the Cabinet report attached at Appendix 2 of the report.

Councillor R.C. Bithell, Cabinet Member for Education reported that following the renewed consultation on a range of options, which had been formulated by Members in Workshops, a number of responses had been received. The full reports from the consultation responses had been placed in the Members' Library and were available on the Council's website. A summary of the responses were detailed in the Cabinet report. He proposed that the County Council note the report and await a further report outlining the next steps required in each area review. This proposal was seconded by Councillor J.B. Attridge.

Councillor P.G. Heesom raised concern that the future of all sixth form provision had been overlooked within the consultation process. He commented that this issue should be dealt with strategically as part of the School Modernisation process.

Councillor H.J. McGuill asked for confirmation that the closure of Argoed High School, which had been dismissed and removed from the options following the Members' Workshops, would not be reviewed again as part of the consultation process.

Councillor A.P. Shotton, Leader of the Council confirmed that the responses received as part of the consultation process would be reviewed as soon as possible with a detailed report submitted to Cabinet in due course. Councillor Bithell explained that following the consultation process the public comments and opinions would be gathered and reviewed in order to progress with tackling unnecessary surplus places.

The Chief Executive explained that the options set out for public consultation were not exhaustive and as part of the consultation process the Council had a duty to consider additional options put forward by parents, Governors and young people. Otherwise, the consultation would be fettered and could be criticised as not being an open exercise. As set out in the statement certain options were more supportable for local communities, certain options were more likely to meet Council and Welsh Government (WG) policy than others and certain options were more likely to be affordable than others.

Councillor R.B. Jones thanked the Chief Executive for opening the process to allow additional options to be put forward by parents, Governors and young people as part of the consultation process.

Councillor C.A. Ellis asked if the options that would not attract 21<sup>st</sup> Century School funding from the WG would be removed following the consultation process.

The Chief Executive explained that bids had been submitted for 21<sup>st</sup> Century School funding for Deeside and Holywell. This was not the only funding available to the Council to tackle surplus places at schools in Flintshire.

Councillor R.J.T. Guest asked if the future report on detailed options would be submitted to the Lifelong Learning Overview and Scrutiny Committee for its consideration. Councillor I.B. Roberts, Chair of the Lifelong Learning Overview and Scrutiny Committee commented that this would be a duplication of work as all future reports on School Modernisation would be submitted to County Council to enable all Members to consider and discuss the options.

**RESOLVED:**

- (a) That the report be noted; and
- (b) That a further report outlining the next steps required in each area review be submitted to a future County Council meeting.

**27. SEALING OF DOCUMENTS**

**RESOLVED:**

- (a) That the Chair and Vice-Chair, the Head of Legal and Democratic Services and Principal Solicitors be authorised to affix the Common Seal of the County Council between meetings of the County Council; and
- (b) That the action of the Chair and Vice-Chair, the Head of Legal and Democratic Services and Principal Solicitors in affixing the Common Seal of the County Council as set out in the seal register numbers 13330 - 13421 be noted.

**28. DURATION OF MEETING**

The meeting commenced at 2.00 p.m. and ended at 3.21 p.m.

**29. ATTENDANCE BY MEMBERS OF THE PRESS AND PUBLIC**

There were two members of the press and three members of the public present.

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**Chair**